UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

GOLO, LLC,

Plaintiff,

NO. 1:17-cv-08461-KBF (ECF CASE)

VS.

ZOCO PRODUCTIONS, LLC; HARPO PRODUCTIONS, INC.; MEHMET OZ, M.D.; and KERI GLASSMAN,

Defendants.

AFFIDAVIT OF ADAM B. FISCHER IN SUPPORT OF MAY 7, 2018 LETTER-MOTION

I, Adam B. Fischer, being duly sworn according to law, depose and state as follows:

- 1. I am over the age of eighteen (18) years of age, and competent to testify to the matters herein.
- 2. I am an associate at Pepper Hamilton LLP, resident in the Pittsburgh, PA office, and one of Plaintiff GOLO, LLC's ("GOLO") counsel in this matter.
- 3. After Defendants ZoCo Productions, LLC and Mehmet Oz, M.D., filed their First Motion for Summary Judgment (the "Motion") in this matter on April 17, 2018, I quickly attempted to determine our response deadline for the same.
- 4. Upon reviewing this Court's Local Civil Rules, Your Honor's Individual Rules of Practice in Civil Cases, and the Scheduling Order (Dkt. No. 66) in this matter, I saw a potential conflict between the two-week deadline set forth by Local Civ. R. 6.1(b)(2), and the four-week window contemplated by Paragraph 6 of the Scheduling Order.
- 5. At our New York City-based counsel's suggestion, and in accordance with Rules 1.C and 1.F of Your Honor's Individual Rule, I called Chambers (at 212-805-0139) to ask a question about a scheduling / calendar issue: specifically, when GOLO's response to the Motion

would be due. Photographs of my desk phone's history documenting the call are attached hereto as

Exhibits A and B.

6. During that call, which I made just after 9:00 AM ET on Friday April 20,

2018, I explained to the male who answered the phone the apparent conflict I saw, asked which

deadline would apply, and was told by that male to "go with the scheduling order" and that no further

order would issue or be required.

7. I then relayed that statement via email to the other counsel at my firm

representing GOLO in this matter, and calendared May 15, 2018 as our response deadline to the

Motion. A true and correct copy of that email I sent is attached hereto as Exhibit C, with

communications preceding that email redacted.

8. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury, that the

above statements are true and correct.

Dated: May 7, 2018

Adam B. Fischer

Sworn to before me this 7thday of May 2018.

City of Pittsburgh, Allegheny County My Commission Expires June 8, 2021

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